

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:** Friday, November 30, 2001, 1:30 p.m., Council Chambers,  
County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

**Members:** Linda Wibbels, Gerry Krieser, Tom Wanser, and  
George Hancock

**Others:** Rodger Harris (Building & Safety), Tonya  
Skinner (City Attorney's Office), Jason Reynolds  
and Missy Minner (Planning Dept.) and the  
applicant.

**STATED PURPOSE**

**OF THE MEETING:** Regular meeting of the City Board of Zoning Appeals

Chair Hancock called the meeting to order and requested a motion approving the minutes of the October 26, 2001 meeting. Motion for approval made by Wanser, seconded by Hancock. Motion for approval carried 4-0, Wanser, Hancock, Wibbels, and Krieser voting 'yes'; Carroll absent.

### **City Board of Zoning Appeals No. 2316**

**Requested by Brian Carstens, on behalf of Steve Nelson, for a variance to the front yard setback on property located at 1201 B Street.**

**ACTION**

**November 30, 2001**

Hancock stated that he is having problems finding the peculiar, exceptional, and unusual circumstances found on this property that do not exist on the other properties in the area. He asked Brian Carstens to summarize his presentation to the Board for the benefit of the members who were not present at the last meeting.

Carstens explained that this began as an application to vacate the eastern 20' of the South 12<sup>th</sup> Street right of way for use as setback area. The Planning Department had originally recommended denial. They did not realize that the applicant was going through the Historic Preservation Commission (HPC) first. The vacation got put on pending. They obtained approval from the HPC to build the project being presented to the Board, however they did not want them to vacate the right of way, they asked that they bring it to the BZA first. They indicated that they could bring it back to HPC if they were not successful at BZA.

Because this is in the Everett Landmark District, the architectural control placed on the property by the HPC is driving the costs up. That is the reason the applicant is requesting a 4-plex. This is the last lot on the district. When the district was originally created, 12<sup>th</sup> Street was the boundary. Upon further review, it was determined that the next row of houses on the east side of 12<sup>th</sup> Street should be included in the district.

The applicant believes that the unusual circumstance is the excessive cost of the project due to the architectural control of the HPC. He has a substantial cost in the project at this point with the removal of

the existing house. If the house on the corner at 12<sup>th</sup> and A Street was a little larger, they would have been able to use the same setback that is currently on their existing lot, but that house is 16 feet too far away to use that exception. They believed they would be able to use that exception when they went before the HPC. The new building will not be any closer to the street than the existing building is now.

Wibbels asked what conditions were placed on the approval of the HPC. Carstens stated that they approved the floor plan and the preliminary elevations. They requested wider trim around the windows, the addition of some vents and dormers, the steep pitch of the roof, the shingles, and the raw face block on the lower level. This is not a typical 4-plex that would be placed anywhere else. There will be a substantial investment in the structure. The 4 units are needed for this to be profitable. The front porch on the west does intrude into the 6 feet, but those are allowed to do so.

Wanser stated that staff findings indicate they are guaranteed a minimum 28 foot wide structure building envelope. If they are looking for a 34 foot structure, they are asking for an additional 6 feet, as opposed to 12 feet. Harris indicated that it would be 15 feet.

Hancock wondered if there is any way to reduce the parking to 5 stalls. Carstens indicated that technically the south 2 stalls that face 12<sup>th</sup> Street are in the rear yard. Harris indicated that the definitions of yards are such that the side yard actually extends from the front yard to the rear yard line, rather than to the property line. A corner lot gets treated differently. There are several parts of the definition that contradict one another. One section states that the section that allows the minimum building width talks about the side yard replacing one of the front yards, but the definition of front yard states that there is a required front yard on each street side of a corner lot. That would take precedence over the others. He would argue that the parking is in the front yard, even though the parking is located to the south of the rear yard line.

Carstens indicated that they couldn't reduce the number of stalls without getting a waiver or dropping one of the units. Wibbels indicated that she would rather see the parking off the street. There are already too many cars on the street. This helps the neighborhood and she appreciates the thought and consideration put into the design.

Wanser moved approval, seconded by Wibbels. Motion for approval carried 4-0; Wanser, Wibbels, Hancock, and Krieser voting 'yes'; Carroll absent.

There being no further business, the meeting adjourned at 2:00 p.m.

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